

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 08/09/2022

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X	:	21-MC-663 (VEC)
IN RE APPLICATION OF	:	
Frederico da Costa Pinto	:	<u>ORDER</u>
-----X	:	

VALERIE CAPRONI, United States District Judge:

WHEREAS Petitioner Frederico da Costa Pinto filed an application pursuant to 28 U.S.C. § 1782 for discovery of materials from Respondents Loeb, Block & Partners LLP, its attorneys Yuisa Montaez and Stephen Rasch, and various financial institutions, Petition, Dkt. 4;

WHEREAS the requested discovery relates to a dispute arising from an investment agreement between Humberto da Costa Pinto Jr. and the Cooper Fund;

WHEREAS the Court granted the application on September 16, 2021, Order, Dkt. 6;

WHEREAS Respondents have moved to vacate the Court's order approving the application, to quash the subpoenas, and to stay discovery, Respondents' Mot., Dkt. 16;

WHEREAS Cooper Brazil Country Fund I, LLC, Cooper Omnibus Global Fund, LLC, Humberto da Costa Pinto, Jr., and BVF5 Limited have moved to intervene as the real parties at issue in this case, to vacate the Court's order granting the discovery application, to quash the subpoenas, and to stay discovery, Intervenor's Opp, Dkt. 21; and

WHEREAS Petitioner stated that, on the same date that he filed his Opposition Brief to the Intervenor's motions, he filed in a Brazilian court "the reasonably contemplated action identified in the §1782 application" against Humberto da Costa Pinto Jr., Pet. Opp., Dkt. 34 at 3;


WHEREAS Petitioner has yet to provide this Court with further details about the newly-filed Brazilian action.

IT IS HEREBY ORDERED that by no later **Tuesday, August 16, 2022**, Petitioner must submit a letter, not to exceed five single-spaced pages, explaining why the Court should not vacate its prior Order granting the section 1782 application in light of the fact that the real party at issue, Humberto da Costa Pinto Jr., whom Applicant states is the “sole and exclusive beneficial owner of the Cooper Fund,” Petition, Dkt. 4 at 8, is now Petitioner’s adversary in a foreign proceeding. *See In re Application of CBRE Glob. Invs. (NL) B.V.*, 2021 WL 2894721, at *10 n.14 (explaining that *Intel Corp. v. Advanced Micro Devices, Inc.*, 524 U.S. 241 (2004) requires the Court to consider “whether the discovery sought, even if nominally from a non-party to the foreign proceedings, is, in fact, discovery from the petitioner’s foreign adversary”).

IT IS FURTHER ORDERED that Respondents and Intervenors must file their response in a letter, not to exceed five single-spaced pages, by no later than **Tuesday, August 23, 2022**.

SO ORDERED.

Date: August 9, 2022
New York, NY



VALERIE CAPRONI
United States District Judge